BENJAMIN ZAZUETA
Metropolitan Correctional Center
808 Union St.
San Diego Ca. 92101

FILED
JUL 7 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

| | |
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| UNITED STATES OF AMERICA<br>Plaintiff,<br>VS.<br>BENJAMIN ZAZUETA<br>Defendant. | CASE NO.: 08CR00896<br>NOTICE OF MOTION AND MOTION TO:<br>1) DISMISS<br>DATE: JUNE 12, 2008<br>JUDGE: Hillary Huff |

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY, AND CARLOS CANTU, ASSISTANT UNITED STATES ATTORNEY

PLEASE TAKE NOTICE that on June 23rd, or as soon thereafter as defendant may be heard, the defendant. BENJAMIN ZAZUETA, by pro-se will and hereby does ask this court to enter an order

[handwritten notation] 7/7/08

granting the motion listed below.

# MOTION

I, BENJAMIN ZAZUETA, asks this court pursuant to United States Constitution, and all other applicable statutes, case law and local rules, hereby moves this court for [redacted] B.Z. an order to:

1) DISMISS ALL CHARGES

# GROUNDS

1) Violation of fast and speedy trial pursuant to title 18 U.S.C § 3161.

2) Failed to indict within the statutory time limit.

3) Failure of goverment to proceed with prosecution.

4) Innefective counsel

Defendant hereby asks the Court to dismiss B.Z all charges in that the United States of America has failed to try the defendant. on current charges within 70 days in violation of 18 U.S.C 1361, furthermore the United States of America has fail to indict the defendant and the goverment refuses to proceed with this case and B.Z is allowing the defendant to linger in custody without the benefit of proceeding to trial. Defendant prays that the court grants any other relief that is deemed Just and proper and this motion is based upon the instant motion and notice of motions and ANY and ALL other materials that may come to this court's attention at the time of the hearing on this motion.

JUNE 12, 2008

RESPECTFULLY SUBMITTED

BENJAMIN ZAZUETA
DEFENDANT PRO-SE

June 12, 2008

Dear Court Clerck

Please accept for filing the enclosed writ of habeas and motion to dismiss.

AND CAN YOU PLEASE PROVIDE COPIES TO THE UNITED STATES ATTORNEY ON MY BEHALF.

Thank you for your time and consideration on this matter

Sencerely: BENJAMIN ZAVETA #67880208

[signature]

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MCC
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